

1614

Attorney's Docket No.: 17105-021001  
(25886-0057)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : J. Chen  
Serial No. : 09/905,777  
Filed : July 13, 2001  
Conf. No. : 5768  
Title : NONINVASIVE VASCULAR THERAPY  
Art Unit : 1614  
Examiner : Brian Kwon  
Customer No.: 20985

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

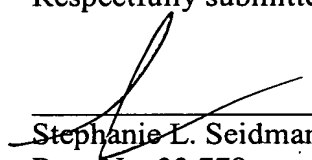
**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith are an Supplemental Information Disclosure Statement and Forms PTO-1449 (4 pages) and cited references for filing in connection with the above-identified application. Because this Information Disclosure Statement is filed prior to receipt of a first office action on the merits in the above-referenced application, no fee is due. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account No. 06-1050, as stated below:

- The Commissioner is hereby authorized to charge any fees that may be due in connection with this paper or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

  
Stephanie L. Seidman  
Reg. No. 33,779

**Dated: July 19, 2004**

Attorney Docket No. 17105-021001 (25886-0057)  
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Applicant : J. Chen  
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Because this Supplemental Information Disclosure Statement is filed before the receipt of a First Office Action on the Merits for the above-captioned application, a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 06-1050.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §1.97-1.98. Forms PTO-1449 (4 pages) and copies of the cited documents are provided herewith.

The documents cited on the Forms PTO-1449 are in the English language with the exception of Item BR (Fischer et al.). Item BR is in the German language and is provided with an English language translation (Item BN). Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Further to the list provided in the communication filed on October 3, 2003, applicant also makes known to the Examiner the following pending U.S. and International Applications that have one or more common inventors and/or are commonly owned:

Applicant : J. Chen  
 Serial No. : 09/905,777  
 Filed : July 13, 2001  
 Supplemental Information Disclosure Statement  
 Page : 2 of 2



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 (25886-0057)

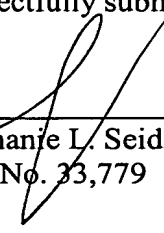
| U.S.S.N.   | Filing Date | Publication or Issue No. | Publication or Issue Date | Docket No. |
|------------|-------------|--------------------------|---------------------------|------------|
| 09/592,150 | 06/12/00    | 6,624,187                | 09/23/03                  | 0049       |
| 09/801,163 | 03/07/01    | 2002-0128303             | 09/12/02                  | 0050       |
| 10/351,730 | 01/23/03    | 2003-0167033             | 09/04/03                  | 0052       |
| 10/410,700 | 04/08/03    | 2003-0208249             | 11/06/03                  | 0055D      |
| 10/802,284 | 03/16/04    | Awaiting                 |                           | 0055E      |
| 10/091,144 | 03/04/02    | 2002-0127224             | 09/12/02                  | 0066B      |
| 10/607,922 | 06/27/03    | 2004-0044197             | 03/04/04                  | 0094       |
| 10/613,474 | 07/02/03    | 2004-0044198             | 03/04/04                  | 0095       |

| Int'l App. No. | Filing Date | Publication No. | Publication Date | Docket No. |
|----------------|-------------|-----------------|------------------|------------|
| PCT/US03/02303 | 01/23/03    | WO03061696      | 07/31/03         | 0052PC     |
| PCT/US03/20427 | 06/27/03    | WO04002486      | 01/08/04         | 0094PC     |
| PCT/US03/21179 | 07/02/03    | WO04005289      | 01/15/04         | 0095PC     |
| 03010382.4     | 05/10/03    |                 |                  | CHEN0188   |
| PCT/US02/28149 | 11/25/02    | WO03052793      | 06/26/03         | CHEN0187   |

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and they be made of record in the file history of the above-captioned application.

Respectfully submitted,

  
 Stephanie L. Seidman  
 Reg. No. 33,779

**Dated: July 19, 2004**  
 Attorney Docket No. 17105-021001(25886-0057)  
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|---|--|---|-------------------------------|
| Substitute Form PTO 449<br>(Modified)<br><br><b>List of Patents and Publications for Applicant's<br/>         Information Disclosure Statement</b><br><br>(37 CFR §1.98(b)) | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney's Docket No.<br>17105-021001<br>(25886-0057) | Application No.<br>09/905,777 |
|   | Applicant<br>J. Chen                                       |   |                               |
|   | Filing Date<br>July 13, 2001                               |   | Group Art Unit<br>1614        |

**U.S. Patent Documents**

| Examiner Initial | Desig. ID | Document Number | Publication Date | Patentee         | Class | Subclass | Filing Date If Appropriate |
|------------------|-----------|-----------------|------------------|------------------|-------|----------|----------------------------|
|                  | A         | 2003/0030342    | 02/13/03         | Chen et al.      | 310   | 102      | 12/13/01                   |
|                  | B         | 2003/0167033    | 09/04/03         | Chen et al.      | 604   | 20       | 01/23/03                   |
|                  | C         | 2003/0208249    | 11/06/03         | Chen             | 607   | 88       | 04/08/03                   |
|                  | D         | 2004/0044197    | 03/04/04         | Pandey et al.    | 540   | 140      | 06/27/03                   |
|                  | E         | 2004/0044198    | 03/04/04         | Pandey et al.    | 540   | 145      | 06/02/03                   |
|                  | F         | 4,577,636       | 03/25/86         | Spears           | 128   | 654      | 01/27/84                   |
|                  | G         | 4,690,492       | 09/01/87         | Beard            | 350   | 96.20    | 09/04/84                   |
|                  | H         | 4,852,567       | 08/01/89         | Sinofsky         | 128   | 303.1    | 01/21/88                   |
|                  | I         | 4,861,876       | 08/29/89         | Kessel           | 540   | 145      | 11/26/86                   |
|                  | J         | 4,866,168       | 09/12/89         | Dougherty et al. | 540   | 145      | 07/24/86                   |
|                  | K         | 4,878,891       | 11/07/89         | Judy et al.      | 604   | 5        | 06/25/87                   |
|                  | L         | 4,925,736       | 05/15/90         | Shikowitz        | 424   | 449      | 07/06/88                   |
|                  | M         | 4,935,498       | 06/19/90         | Sessler et al.   | 534   | 15       | 03/06/89                   |
|                  | N         | 4,957,481       | 09/18/90         | Gatenby          | 604   | 20       | 07/03/89                   |
|                  | O         | 4,973,848       | 11/27/90         | Kolobanov et al. | 250   | 458.1    | 07/28/89                   |
|                  | P         | 4,986,628       | 01/22/91         | Lozhenko et al.  | 350   | 96.29    | 04/18/90                   |
|                  | Q         | 4,997,639       | 03/05/91         | Aizawa et al.    | 424   | 9        | 11/27/89                   |
|                  | R         | 5,028,594       | 07/02/91         | Carson           | 514   | 23       | 12/27/88                   |
|                  | S         | 5,041,078       | 08/20/91         | Matthes et al.   | 604   | 4        | 12/21/89                   |
|                  | T         | 5,048,524       | 09/17/91         | Bailey et al.    | 128   | 634      | 03/03/89                   |
|                  | U         | 5,053,006       | 10/01/91         | Watson           | 604   | 52       | 04/02/90                   |
|                  | V         | 5,095,030       | 03/10/92         | Levy et al.      | 514   | 410      | 09/28/89                   |
|                  | W         | 5,259,380       | 11/09/93         | Mendes et al.    | 607   | 115      | 11/15/90                   |
|                  | X         | 5,298,018       | 03/29/94         | Narciso, Jr.     | 604   | 21       | 08/14/92                   |
|                  | Y         | 5,308,861       | 05/03/94         | Aizawa et al.    | 514   | 410      | 04/29/92                   |
|                  | Z         | 5,330,741       | 07/19/94         | Smith et al.     | 424   | 9        | 02/24/92                   |
|                  | AA        | 5,368,841       | 11/29/94         | Trauner et al.   | 424   | 9        | 02/11/93                   |
|                  | AB        | 5,430,051       | 07/04/95         | Aizawa et al.    | 514   | 410      | 04/19/94                   |
|                  | AC        | 5,441,531       | 08/15/95         | Zarate et al.    | 607   | 90       | 10/18/93                   |

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| Examiner Signature | Date Considered |
|--------------------|-----------------|

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



|  |  |   |                               |
|--|--|---|-------------------------------|
| Substitute Form PTO-1449<br>(Modified)<br><br><b>List of Patents and Publications for Applicant's<br/>         Information Disclosure Statement</b><br><br>(37 CFR §1.98(b)) | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney's Docket No.<br>17105-021001<br>(25886-0057) | Application No.<br>09/905,777 |
|  | Applicant<br>J. Chen                                       |   |                               |
|  | Filing Date<br>July 13, 2001                               |   | Group Art Unit<br>1614        |

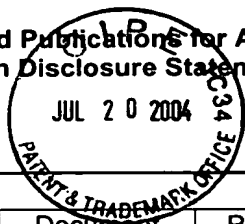
**U.S. Patent Documents**

| Examiner Initial | Desig. ID | Document Number | Publication Date | Patentee         | Class | Subclass | Filing Date If Appropriate |
|------------------|-----------|-----------------|------------------|------------------|-------|----------|----------------------------|
|                  | AD        | 5,454,794       | 10/03/95         | Narcisco et al.  | 604   | 280      | 10/15/93                   |
|                  | AE        | 5,498,710       | 03/12/96         | Pandey et al.    | 540   | 145      | 04/22/94                   |
|                  | AF        | 5,500,009       | 03/19/96         | Mendes et al.    | 607   | 88       | 09/27/03                   |
|                  | AG        | 5,534,506       | 07/09/96         | Morgan et al.    | 514   | 185      | 06/20/94                   |
|                  | AH        | 5,549,660       | 08/27/96         | Mendes et al.    | 607   | 088      | 11/12/92                   |
|                  | AI        | 5,556,612       | 09/17/96         | Anderson et al.  | 424   | 59       | 03/15/94                   |
|                  | AJ        | 5,567,409       | 10/22/96         | Aizawa et al.    | 424   | 9.363    | 12/12/94                   |
|                  | AK        | 5,591,847       | 01/07/97         | Pandey et al.    | 540   | 472      | 05/23/94                   |
|                  | AL        | 5,594,136       | 01/14/97         | Sessler et al.   | 540   | 472      | 05/03/95                   |
|                  | AM        | 5,620,439       | 04/15/97         | Abela et al.     | 606   | 11       | 06/06/95                   |
|                  | AN        | 5,698,866       | 12/16/97         | Doiron et al.    | 257   | 99       | 05/28/96                   |
|                  | AO        | 5,770,619       | 07/23/98         | Richter et al.   | 514   | 410      | 11/01/95                   |
|                  | AP        | 5,800,432       | 09/01/98         | Swanson          | 606   | 49       | 05/01/95                   |
|                  | AQ        | 5,824,080       | 10/20/98         | Lamuraglia       | 623   | 11       | 09/04/96                   |
|                  | AR        | 5,829,448       | 11/03/98         | Fisher et al.    | 128   | 898      | 10/30/96                   |
|                  | AS        | 5,832,931       | 11/10/98         | Wachter et al.   | 128   | 898      | 10/30/96                   |
|                  | AT        | 5,944,748       | 08/31/99         | Mager et al.     | 607   | 88       | 07/25/97                   |
|                  | AU        | 5,976,535       | 11/02/99         | Fritzberg et al. | 424   | 182.1    | 06/06/95                   |
|                  | AV        | 5,998,597       | 12/07/99         | Fisher et al.    | 536   | 23.1     | 12/11/97                   |
|                  | AW        | 6,036,941       | 03/14/00         | Bottiroli et al. | 424   | 9.6      | 05/11/98                   |
|                  | AX        | 6,042,603       | 03/28/00         | Fisher et al.    | 607   | 89       | 05/04/98                   |
|                  | AY        | 6,048,359       | 04/11/00         | Biel             | 607   | 92       | 08/25/98                   |
|                  | AZ        | 6,063,108       | 05/16/00         | Salansky et al.  | 607   | 89       | 01/06/97                   |
|                  | BA        | 6,090,788       | 07/18/00         | Lurie            | 514   | 23       | 06/30/99                   |
|                  | BB        | 6,107,466       | 08/22/00         | Hasan et al.     | 530   | 351      | 09/24/98                   |
|                  | BC        | 6,117,862       | 09/12/00         | Margaron et al.  | 514   | 185      | 11/09/98                   |
|                  | BD        | 6,123,923       | 09/26/00         | Unger et al.     | 424   | 9.52     | 12/18/97                   |
|                  | BE        | 6,152,951       | 11/28/00         | Hashimoto et al. | 607   | 92       | 02/17/98                   |
|                  | BF        | 6,162,242       | 12/19/00         | Peyman           | 607   | 88       | 01/21/99                   |

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| Examiner Signature | Date Considered |
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|---|--|---|-------------------------------|
| Substitute Form PTO-1449<br>(Modified)  | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney's Docket No.<br>17105-021001<br>(25886-0057) | Application No.<br>09/905,777 |
| <b>List of Patents and Publications for Applicant's<br/>Information Disclosure Statement</b><br><br>(37 CFR §1.98(b)) |  | Applicant<br>J. Chen                                  |                               |
|   |  | Filing Date<br>July 13, 2001                          | Group Art Unit<br>1614        |



### U.S. Patent Documents

| Examiner Initial | Desig. ID | Document Number | Publication Date | Patentee       | Class | Subclass | Filing Date If Appropriate |
|------------------|-----------|-----------------|------------------|----------------|-------|----------|----------------------------|
|                  | BG        | 6,187,030       | 02/13/01         | Gart et al.    | 607   | 93       | 11/05/98                   |
|                  | BH        | 6,223,071       | 04/24/01         | Lundahl et al. | 600   | 476      | 05/01/98                   |
|                  | BI        | 6,624,187       | 09/23/03         | Pandey et al.  | 514   | 410      | 06/12/00                   |
|                  | BJ        | 6,657,351       | 12/02/03         | Chen et al.    | 310   | 171      | 07/20/01                   |

### Foreign Patent Documents or Published Foreign Patent Applications

| Examiner Initial | Desig. ID | Document Number | Publication Date | Country or Patent Office | Class | Subclass | Translation |    |
|------------------|-----------|-----------------|------------------|--------------------------|-------|----------|-------------|----|
|                  |           |                 |                  |                          |       |          | Yes         | No |
|                  | BK        | 00/61584 A1     | 10/19/00         | PCT                      |       |          |             |    |
|                  | BL        | 2004/002476 A2  | 01/08/04         | PCT                      |       |          |             |    |
|                  | BM        | 2004/005289 A2  | 01/15/04         | PCT                      |       |          |             |    |

### Other Documents (include Author, Title, Date, and Place of Publication)

| Examiner Initial | Desig. ID | Document   |
|------------------|-----------|--|
|                  | BN        | Certified English Translation of: Fischer, H. et al., "[On the Bromination of the Esters of Mesoisochlorin e4 and Mesochlorin e6]," <i>Berichte der Deutschen Chemischen</i> 75:1778-1795 (1942)   |
|                  | BO        | Chen et al., "New directions in photodynamic therapy," <i>ICCP-2. 2nd International Conference on Porphyrins and Phthalocyanines</i> , 2002 30 June - 5 July; Kyoto, Japan: 78 [abstract S-26]   |
|                  | BP        | Database Crossfire Beilstein, Database Acession No. 4286587 (Reaction ID), for Levinson, E.G. et al., <i>Russ. J. Bioorg. Chem (Engl. Transl.)</i> 21(3):199-203 (1995) in Russian in the : <i>Bioorg. Khim.</i> 21(3):230-234 (1995)  |
|                  | BQ        | Derwent English Abstract, Accession No. 1996-475153, citing Russian Patent RU 2054944 C, published February 27, 1996, "Production of purpurin-18 for treatment of tumours - comprises extracting vegetable waste with ethanol, oxidative splitting, degreasing and purifying". |
|                  | BR        | Fischer, H. et al., "[On the Bromination of the Esters of Mesoisochlorin e4 and Mesochlorin e6]," <i>Berichte der Deutschen Chemischen</i> 75:1778-1795 (1942)   |
|                  | BS        | Haslam et al., "Recent Developments in Methods for the Esterification and Protection of the Carboxyl Group," <i>Tetrahedron</i> 36: 2409-2433 (1980)   |
|                  | BT        | Jones et al. "Photodynamic therapy for patients with advanced non-small-cell carcinoma of the lung," <i>Clin Lung Cancer</i> . 3(1):37-41 (2001)   |
|                  | BU        | Li et al., "Application of Ruppert's reagent in preparing novel perfluorinated porphyrins, chlorins and bacteriochlorins", <i>J. Chem. Soc. Perkin Trans 1</i> , 1785-1787 (1999)  |
|                  | BV        | Patent Abstract of Japan citing Japanese Patent Application JP 09124652, published May 13, 1997, "Porphyrin Derivative and Use Thereof".   |
|                  | BW        | Smith et al., "Bacteriochlorophylls c from <i>Chloropseudomonas ethylicum</i> . Composition and NMR Studies of the Pheophorbides and Derivatives", <i>Am. Chem. Soc.</i> , 102(7):2437-2448 (1980)   |
|                  | BX        | Smith et al, " <i>Meso</i> substitution of chlorophyll derivatives: direct route for transformation of bacteriopheophorbides d into bacteriopheophorbides c," <i>J Am Chem Soc</i> 107:4946-54 (1985)  |

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|---|-----------------|
| Examiner Signature  | Date Considered |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                 |



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|--|--|---|-------------------------------|
| Substitute Form PTO-1449<br>(Modified)<br><br><b>List of Patents and Publications for Applicant's<br/>         Information Disclosure Statement</b><br><br>(37 CFR §1.98(b)) | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney's Docket No.<br>17105-021001<br>(25886-0057) | Application No.<br>09/905,777 |
|  | Applicant<br>J. Chen                                       |   |                               |
|  | Filing Date<br>July 13, 2001                               | Group Art Unit<br>1614                                |                               |

**Other Documents (include Author, Title, Date, and Place of Publication)**

| Examiner Initial | Desig. ID | Document  |
|------------------|-----------|---|
|                  | BY        | Zheng et al., "Photosensitizers Related to Purpurin-18-N-alkylimides: A Comparative in vivo Tumoricidal Ability of Ester versus Amide Functionalities", <i>Bioorganic &amp; Med. Chem. Letts.</i> , 10:123-127 (2000) |
|                  | BZ        | Zheng et al., "Chlorin-based symmetrical and unsymmetrical dimers with amide linkages: effect of the substituents on photodynamic and photophysical properties," <i>J. Chem. Soc. Perkins 1</i> , pp.3113-3121 (2000) |

|                    |                 |
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